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October 12, 2004  
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/613,784 Confirmation No.: 7001  
Applicant: NEAH POWER SYSTEMS, INC.  
Filed: July 7, 2003  
Title: Fuel Cells Having Silicon Substrates and/or Sol-Gel Derived Support Structures  
TC/A.U.: 1746  
Examiner: Jonathan Crepeau  
Docket No.: 690089.401D1  
Cust. No.: 31740

Mail Stop Patent Ext.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

The owner, Neah Power Systems, Inc., of 100% interest in the present application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on parent Application No. 09/715,830, filed on November 17, 2000 (now U.S. Patent No. 6,641,948). The owner hereby agrees that any patent so granted on

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